THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.10359 OF 2007
&
WVMP.No.1361 OF 2007

DATED: 02-07-2007

WP.No.10359 of 2007

BETWEEN

Mettapally Suresh Kumar,
S/o. Late Satyanarayana,
R/o. Railway Colony.
Occ: Agriculture,
Visakhapatnam,
Visakhapatnam District.

…PETITITONER

AND

The Dy. Superintendent of Police,
Anakapalli Division, Anakapalli,
Visakhapatnam District and others.

…RESPONDENTS

WVMP.No.1361 of 2007

BETWEEN

V.T. Krishna,
S/o. Narasinga Rao,
H.No.313/C, Sector 6,
Steel Plant Quarters,
Ukkunagar, Visakhapatnam,
Visakhapatnam District.

…PETITIONER/RESPONDENT No.5

AND

Mettapally Suresh Kumar,
S/o. Late Satyanarayana,

R/o. Railway Colony.
Occ: Agriculture,
Visakhapatnam,
Visakhapatnam District …RESPONDENT/PETITIONER
and others. …RESPONDENTS

ORDER:

Petitioner submits that he is the owner of the land in an extent of 300 sq. yards bearing plot No.163 in Sy.No.73 of Madhurawada, Chinnagaddali Mandal, Visakhapatnam District and with regard to the said property there is a civil dispute with regard to the boundary.

He further submits that the fifth respondent is the owner of the plot No.162 and with regard to his interference over his peaceful possession, he filed a suit in O.S.No.124 of 2007 on the file of the Junior Civil Judge, Bheemunipatnam and obtained interim injunction.

2. When a civil dispute is pending before the Court below, I am of the opinion that the question of granting order of status quo to be maintained by the parties in a writ petition does not arise.

Insofar as interference by the respondents 2 and 3 and unofficial respondent is concerned, there cannot be any interference when a civil dispute is pending between the parties. In view of the pendency of the civil dispute, I am of the opinion that the status quo order granted on 16.05.2007 for a period of six weeks cannot be extended. Therefore, the status quo order stands vacated and the WVMP is ordered.

Having regard to the facts and circumstance of the case,

the writ petition is disposed of directing the respondents 2 and 3 not to interfere with the civil disputes pending between the petitioner and the fifth respondent. However, if there is any specific direction from the civil Court to give police aid or protection it is for the official respondents to act in accordance with law as per the specific directions of the civil Court. There shall be no order as to costs.

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V. ESWARAIAH, J

July 2, 2007
DSK